

III. REMARKS

1. Claims 1, 7, 10 and 11 are amended.
2. Claim 11 is amended to overcome the rejection under 35 USC 112, second paragraph.
3. Claims 1-4 and 6-14 are patentable under 35 USC 103(a) over the combination of Ben-Shachar et al., US 6,208,996 (hereinafter "Ben-Shachar"), Lewis et al., US 6,738,635 (hereinafter "Lewis") and Frederiksen (US 2002/0080186). Claim 1 recites a message generator enabling an operator of the transmitting mobile communication device to generate a first and second message associated with one scheduled event and to define a recipient of the first and second message and a predetermined time for transmitting the second message, and a timing element configured to record the predetermined time in a timing register, the event scheduling element being further configured to cause transmission of the first message before the predetermined time and to cause transmission of the second message at the predetermined time. The combination of Ben-Shachar, Lewis and Frederiksen does not disclose generating a first and second message associated with one scheduled event and transmitting the first message before the predetermined time and transmitting the second message at the predetermined time as recited in claim 1.

Ben-Shachar discloses a system for maintaining a notification database in a mobile device (Abstract). In Ben-Shachar a user sets a clock alarm notification or a calendar notification by entering the time associated with the notification and the type of notification into the mobile device 3 (Col. 6, L. 62-65). All the notifications are stored in a large database where a notification engine supported by the operating system 98 accesses the database information and determines which notification or alarms should be actuated at the present time (Col. 7, L. 4-7). When the notification or alarm is activated a single message is sent to the user of the mobile device 3.

There is simply no disclosure whatsoever in Ben-Shachar of generating a first and second message associated with one scheduled event and transmitting the first message before the predetermined time and transmitting the second message at the predetermined time as recited in claim 1. It is noted that while Ben-Shachar discloses recurring appointments, these recurring appointments cannot be considered “one scheduled event” as a recurring appointment is a similar event that occurs multiple times, such as regularly scheduled doctor appointments (i.e. many scheduled times for a particular type of event). Moreover, each recurring event is treated as a single event where only one a single notification is sent to the user of the mobile device 3 (see Col. 13, L. 29-65). Thus, Ben-Shachar does not disclose or suggest the above-noted features of claim 1. Combining Lewis and Frederiksen with Ben-Shachar fails to remedy this defect.

Lewis discloses a schedule notification system including a computer program executed by a message originating entity 32 (Col. 8, L. 5-7). In Lewis, the computer program retrieves data related to a scheduled event from a schedule program that is also executed by the message originating entity 32, determines whether the retrieved data includes data that should be transferred to the message receiving entity 34, formats data to be transferred, and transfers the formatted data to the message receiving entity 34 (Col. 8, L. 7-14). There is absolutely no disclosure or suggestion in Lewis of generating a first and second message associated with one scheduled event and transmitting the first message before the predetermined time and transmitting the second message at the predetermined time as recited in claim 1. Like in Ben-Shachar, Lewis only discloses a single message that is sent to the message receiving entity 34 (see e.g. Col. 11, L. 34-65). At best Lewis discloses sending records to the SMS upon creation for storage in a storage device at the SMS until the specified delivery time. However, this is not what is claimed by Applicant as only one message is being created and is being sent only at the specified delivery time.

Frederiksen only discloses a portable phone having a display, input means for inputting information and instructions, and a control unit controlling the display in dependence on

the operation of the input means (Abstract). Frederiksen is silent as to generating a first and second message associated with one scheduled event and transmitting the first message before the predetermined time and transmitting the second message at the predetermined time as recited in claim 1.

Thus, because Ben-Shachar, Lewis and Frederiksen do not individually disclose generating a first and second message associated with one scheduled event and transmitting the first message before the predetermined time and transmitting the second message at the predetermined time, their combination cannot as well. Therefore, claim 1 is patentable over the combination of Ben-Shachar, Lewis and Frederiksen. Claims 2-4 and 6 are patentable at least by reason of their respective dependencies.

4. Claims 7-9 and 14 are patentable under 35 USC 103(a) over the combination of Ben-Shachar, Lewis and Chou et al. (US 5902352, hereinafter "Chou"). Claim 7 recites a message generator application stored in the storage element and adapted to enable said operator to generate content of a first and second message related to one scheduled event and configured to perform an application call to a transmission application adapted to process and pass the first and second message, and to a timing application configured to record a predetermined time in a timing register, the timing application being adapted to notify the message generator application for causing transmission of said second message to occur according to the predetermined transmission time, where the first message is sent before the predetermined transmission time. The combination of Ben-Shachar, Lewis and Chou does not disclose or suggest generating content of a first and second message related to one scheduled event where the first message is transmitted before the predetermined transmission time and the second message is transmitted at the predetermined transmission time.

The combination of Ben-Shachar and Lewis does not disclose the above-noted feature of claim 7 for reasons substantially similar to those described above with respect to claim 1. Combining Chou with Ben-Shachar and Lewis fails to remedy this deficiency.

Chou discloses task scheduling across multiple execution sessions where each task is scheduled to occur at specific times, to occur periodically or to occur in response to certain system events (Abstract). Chou is absolutely silent as to generating content of a first and second message related to one scheduled event where the first message is transmitted before the predetermined transmission time and the second message is transmitted at the predetermined transmission time as recited in Applicant's claim 1. All that is disclosed in Chou is that when a timer expires, the system determines which task is scheduled to occur at the time the timer expires and executes that task (Abstract; See also Col. 26, L. 18 – Col. 27, L. 4).

Thus, claim 7 is patentable because the combination of Ben-Shachar, Lewis and Chou do not disclose or suggest generating content of a first and second message related to one scheduled event where the first message is transmitted before the predetermined transmission time and the second message is transmitted at the predetermined transmission time. Claims 8, 9 and 14 are patentable at least by reason of their respective dependencies.

5. Claim 10 is patentable under 35 USC 103(a) over the combination of Lewis, Ben-Shachar and Chou. Claim 10 recites features similar to those described above with respect to claims 1 and 7. In particular claim 10 calls for generating content of a first and second message related to one scheduled event where the first message is transmitted before the predetermined transmission time and the second message is transmitted at the predetermined transmission time. These features of claim 10 are not disclosed by the combination of Lewis, Ben-Shachar and Chou for the reasons described above with respect to claims 1 and 7. Therefore, claim 10 is patentable over the combination of Lewis, Ben-Shachar and Chou.

Further claim 10 recites that the timing application continuously checks the predetermined time against an internal clock and generates a notification to the message generator application for initiating transmission of the message. It is asserted in the Office Action that Chou discloses this feature, however all that Chou discloses is a

conventional count-down timer. Once the timer 105 is programmed with a value, it continuously counts down. (Col. 5, L. 62-66). Continuously counting down cannot reasonably be considered the same as continuously checking the predetermined time against an internal clock. Continuously counting down requires no comparison at all as is called for when continuously checking the predetermined time against an internal clock. All that is disclosed in Chou is that when the count-down timer reaches zero it issues a signal to an interrupt controller (Col. 6, L. 7-8). Thus, the operation of the timer in Chou is dependent on the timer reaching zero and not on checking the timer against an internal clock. Therefore, claim 10 is patentable for this additional reason.

6. Claim 11 is patentable under 35 USC 103(a) over the combination of Lewis, Ben-Shachar and Chou. Claim 11 recites features similar to those described above with respect to claim 10 and is patentable over the combination of Lewis and Chou for the reasons described above (see also the arguments for claims 1 and 7).

7. Claims 12 and 13 are patentable under 35 USC 103(a) over the combination of Ben-Shachar, Lewis, Frederiksen and Chou. Claims 12 and 13 depend from claim 1. The combination Ben-Shachar, Lewis and Frederiksen do not disclose or suggest all the features of claim 1 as described above. It is submitted that the combination of Ben-Shachar, Lewis and Frederiksen with Chou cannot as well. Thus, claims 12 and 13 are patentable at least by reason of their respective dependencies.

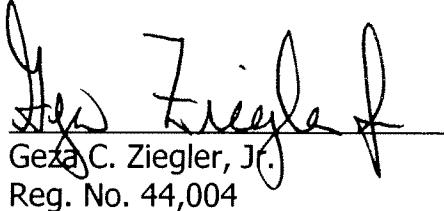
Further, claim 13 recites that the timing element is configured to continually check the predetermined time with an internal clock function and send a counting done signal to the message generator when the predetermined time is reached to initiate the sending of the message. It is asserted in the Office Action that this feature of claim 13 is disclosed in Chou. However, as described above with respect to claim 10, Chou merely discloses a conventional count-down timer and nothing more. Thus, claim 13 is patentable for this additional reason.

8. Claim 5 is patentable under 35 USC 103(a) over the combination of Ben-Shachar, Lewis, Frederiksen and Kawamoto et al. (US 7194558, hereinafter "Kawamoto"). Claim 5 depends from claim 1. The combination of Ben-Shachar, Lewis and Frederiksen does not disclose or suggest all the features of claim 1 for the reasons described above. It is submitted that combining Ben-Shachar, Lewis and Frederiksen with Kawamoto cannot as well. Thus, claim 5 is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004

8 July 2008
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512